

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

MICHAEL J. FLYNN,  
Plaintiff,

v.

LAFAYETTE RONALD HUBBARD,  
a/k/a L. RON HUBBARD,  
Defendant.

CA No. 83-2642-MC

SUPPLEMENTAL

DECLARATION OF

EARLE C. COOLEY

I, EARLE C. COOLEY, hereby state under the pains and penalties of perjury that I have personal knowledge of the following:

1. I am an attorney, licensed to practice in the Commonwealth of Massachusetts and specially admitted to practice law in the State of Oregon. I have been an active trial attorney for 28 years.

2. I am co-counsel for the Church of Scientology of California in a trial in the Circuit Court of the State of Oregon, County of Multnomah (Julie Christofferson - Titchm... Church of Scientology, Mission of Davis, et

al. -- "Christofferson").

3. Gerald Armstrong has been a witness for the plaintiff in the Christofferson case. Thus far, he has testified on direct examination for two days and on cross examination for over five days. I was present for the entire testimony of Mr. Armstrong and personally cross examined Mr. Armstrong on the witness stand. Consequently, I am extremely familiar with his testimony.

4. This supplemental declaration has been necessitated by the fact that two additional video taped conversations between Gerald Armstrong and one of the "Loyalists" have now been entered into evidence in Christofferson. These are conversations which took place on 17 November 1984 and on 30 November 1984 between Gerald Armstrong and a Church staff member named Mike Rinder, who was posing as a disaffected staff member of a cell known as the "Loyalists" who were working within the Church to covertly take over current management. These two conversations were video taped as part of a police authorized investigation by an attorney and a licensed private investigator who were working for the Church of Scientology of Toronto. I had not viewed these tape recordings prior to their being screened in the courtroom on 15 April 1985.



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The purpose of this supplemental declaration is to provide this court a complete understanding of the full nature of Gerald Armstrong's conspiracy to covertly take over the management of the Church of Scientology and Michael Flynn's involvement therewith, as is revealed in the video tape recordings of Gerald Armstrong's conversations with the "Loyalists". Transcripts of trial proceedings in Christofferson are currently not available for dissemination pursuant to an order of the Court regarding witness sequestration. Transcripts of Armstrong's testimony will be provided to this court at the conclusion of the Christofferson trial.

5. The video tape recordings of the 17th & 30th of November 1984 reveal the following ["GA" is Gerald Armstrong; "M" is Mike Rinder]:

A. Armstrong demanded affidavits from the "Loyalists" regarding supposedly criminal activity on the part of current Church management, to be used to get a judge to grant a Temporary Restraining Order freezing all of the Church's assets. When the "Loyalists" complained to Armstrong that they could not find any evidence of criminal activity, Armstrong asserted that the "Loyalists" should simply allege that such activity took place, then say that the Church destroyed the documents which would prove the allegations and simply back out of the suit if the

"Loyalists" were not able to obtain immediate relief.

GA: I want some affidavits so they can be -- so we know what the fuck is this, what are the allegations? You know, 'cause I'm -- I mean, I'm kind of getting from you, well -- well, shit, the organization is fine, it's not doing anything illegal. And, I'm sitting here on the outside, knowing that they want me fucking dead. And that I was threatened by Eugene Ingram, that he is going to put a bullet between my fucking eyes\*. I know that they are up to their eyebrows in it. They must have been paid. How about this Flynn thing? How much did they pay --

M: Yeah, but do we have to, do we have to find someone that has personal knowledge of that in order to get an affidavit of those things?

GA: How much was paid to Ingram?

M: I don't know that data yet.

GA: Who paid?

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\*On cross examination in Christofferson, Armstrong admitted that this alleged threat from Ingram came as a result of Armstrong's having run a covert intelligence operation against Eugene Ingram, whereby Armstrong had called Eugene Ingram's answering service and surreptitiously obtained from them a list of everyone who had called Ingram that day.



M: I presume the attorneys paid him.

GA: Yeah, but it comes from your money.

M: Right, so then it would be how much is paid to the attorney, right? I mean that's what we would want to know.

GA: Who gets an accounting of what -- you know, you're Board members. You're fucking Board members! The guys on the Board and you can't find out? Those are the people who should be signing it -- who should be doing it --

M: -- Okay. I'm not asking about whether they can find out, but whether they need to, in order to be able to do this. Do you see what I'm saying? It's like --

GA: They can allege it. They can allege it. They don't even have -- they can allege it.

M: So, they don't have to -- like -- they don't have to have the document sitting in front of them, and then --

GA: Fucking say the organization destroys the documents."

[17 November 1984 conversation]

"M: The point, the point I'm trying to get across is that that's not criminal. That's the -- that's the civil complaint in there and that would have to be proven.

GA: Show me the line you're talking about.

M: Well, it's over here.

GA: Where are the -- We don't have to prove a goddamn thing. We don't have to prove shit; we just have to allege it."

[30 November 1984 conversation]

"GA: Let me talk to your attorney. I want to see whether or not, number one: the guy understands, and number two: if it's only a two month deal anyway, you know, he doesn't have to dick around for years and go to trial on it and if he does, you guys just back out -- down to whoever signs it backs out and says, 'Well, I signed what I signed, you know. Sorry, you guys deluged us with paper. Too bad, you know, I'm not leaving the organization,' or, 'I am leaving the organization,' or whatever they decide.

M: You mean kind of quit at that point? Like if it couldn't -- if it wasn't going the way we



wanted to just pack it in?

GA: Why not..."

[30 November 1984 conversation]

"GA: Well, all you have to allege is that, number one: so many -- you know -- how much was spent by the organization; two: at the orders of these people.

M: But alleging things -- but alleging things, that's fine. That's going to take the whole trial -- just like -- well -- you know. I'm talking about the concern over the preliminary injunction. Alleging things is fine and alleging things will work in certain cases --

GA: All you have to do to have them act immediately -- that's all you have to do.

M: What is?

GA: Is to say -- that's all that needs to be said.

M: Yeah, but a hearing, then a hearing for the preliminary injunction and it's like brrrrrt!

GA: Yeah, but -- you know -- you got a lot of things going for you. If you follow on the tail of these people being indicted at the top

of the organization, and the fact that all --

M: We never know when that's going to happen. That keeps like being, today, tomorrow -- you know.

GA: Hold on, hold on. Listen, we're either gonna go ahead or we're not."

[30 November 1984 conversation]

B. Armstrong testified in Christofferson that he never proposed or participated in any covert operations against the Church of Scientology. The video tapes show that Armstrong proposed a covert operation to get one of his "Loyalists" into a position of authority within the Church.

"GA: I do make it, you know, my purpose to create as much shit as possible, you know, hence I have --

M: Shit for the organization?

GA: Yeah."

[17 November 1984 conversation]

"GA: In fact, you know, I'm in a more vulnerable position 'cause I can be -- you know, I'm so visible. What if I dropped out of sight?

M: Well, we'd lose you.



GA: Not necessarily.

M: You mean, we could set it up so that you just dropped out of sight?

GA: Exactly. You know, it could be real beneficial. Maybe it can draw the organization into something."

[30 November 1984 conversation]

"M: So, what if you dropped out of sight? I didn't totally follow the -- the progression there. What --

GA: I mean --

M: What, what would the advantage be?

GA: It could possibly be a great deal of advantage. That I -- I don't know --

M: I'm not -- I'm not following that. I'm not -- you mean we can maintain a comm line with you even though you were not as visible to everybody else in the organization?

GA: When someone drops out, it really excites people. You know what I mean?

M: Like disappear. Where the fuck did Armstrong go? What the hell's he doing now? And --

GA: Exactly. If that were to happen, then --  
then--

M: But, don't you think that would just attract  
more attention to you and make it more  
difficult for us?

GA: I don't -- I don't see why necessarily."

[30 November 1984 conversation]

"M: And you feel like it would be best for you  
to drop out of sight in order to pull that sort  
of stuff off?

GA: No, not necessarily. I just see that, I  
know that that excites people in the  
organization when they can't find somebody.

M: Why do you want to excite them -- what?  
I'm a little lost on that as to why we would  
want to excite them about you. I mean if  
you're our comm line --

GA: You don't have anyone else to -- you don't  
have anyone else whose life you're potentially  
in control of out here, in a position such as  
myself.

M: No.



GA: Someone who -- someone who could excite them. I mean, I have excited them, right?

M: Right.

GA: There's been times when it was get Armstrong week, right?

M: Sure.

GA: The same thing could happen again. And maybe this time when it happens, they can be set up. And maybe you can get what you need."

[30 November 1984 conversation]

"GA: I don't have this thing about life and death that I used to have. In fact, I would rather welcome a bullet. In a sense, it puts me in a rather powerful position -- not that I'm looking for it and that I would ever contemplate doing it myself; but, ah, I don't care. And if you guys can use the fact that I don't care and the fact that I write and the fact that I've disappeared and -- uh -- other facts which you can use. I mean, I envisioned it at the outset that potentially you guys could -- uh -- develop an intelligence apparatus which the organization does not have currently, simply by scooping the

PI's. If you had a lot, if you had some intelligence on Armstrong -- you know -- you could get a feather in your cap. And possibly move up in that way to the point where you're let in on what the fuck's going on. Or someone -- You know what I mean. If suddenly -- uh -- you're the only guy that has, you know -- Let's say someone in the organization had the sense, the sense to retain a mole somewhere. And let's say that someone -- we could set it up that someone got close to me. Then you've got your intelligence network. And then back the PI's off because you don't want them fucking it up. Then you're getting funding to get them intelligence that you don't give a fuck if they got or not, but they get real excited about it. I mean the organization -- the people at the top get excited about little, wow, you know, this has happened, or that has happened. Then they start buzzing about it, right?

M: Yeah.

GA: Well, you should give them something to buzz about. I don't know the form of it because it's only me. I don't know your, your capabilities, or who you've got on the outside,



or -- you know -- the, the communication lines by which it could happen. We could set the whole goddamn thing up so that, so that you've got someone from the organization in the same apartment complex that I live in -- that I moved to. You know what I mean? And -- and possibly in that way you can -- uh -- have enough information so that it makes sense that you're contacting the people to talk about it.

M: Right.

GA: And becoming part of the top simply because you're, you're the guy whose got it. And they're going to depend on you. Following me?"

[30 November 1984 conversation]

C. Armstrong has testified that L. Ron Hubbard controls the operation of the Church of Scientology. The following two excerpts from these video tapes clearly show that Armstrong has no idea who manages the Church of Scientology\*\*.

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\*\* In Gerald Armstrong's Declaration dated 12 August 1983 and filed in this case on 20 October 1983 in support of Plaintiff's Memorandum in Opposition to Mary Sue Hubbard's Motion for Leave to Intervene, Armstrong stated under the pains and penalties of perjury that L. Ron Hubbard was in control of the Church of Scientology at least through March of 1980 and implied that L. Ron Hubbard's control extended into the present. Armstrong expanded this [footnote continued next page]

"GA: Who runs the organization right now?

M: Which organization?

GA: All of it. Who runs it?

M: Well, it gets run through CMO Int  
[Commodore's Messenger Organization  
International].

GA: And who, who are those people?

M: Well, they -- you know, probably the same  
guys as when you were around.

GA: A lot of them are gone."

[17 November 1984 conversation]

"GA: Who runs the organization, who's in  
control? That's the kind of stuff we've got to  
have -- the Board members -- how does the  
transition of the Board take place? If you

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[continued]

statement in his deposition of 8 February 1985 in the case  
CHURCH OF SCIENTOLOGY OF CALIFORNIA v. MICHAEL J. FLYNN,  
United States District Court, Central District of California  
No. 83-5052R, where he testified that L. Ron Hubbard was in  
control of the Church of Scientology at that time.  
Armstrong testified in that deposition on page 35: "Well,  
you know whoever -- again, you have to understand that it  
all comes down to L. Ron Hubbard. The whole thing is  
operated and run by L. Ron Hubbard." A further contradiction  
to the above is Armstrong's sworn testimony in  
Christofferson that, in Armstrong's opinion, L. Ron Hubbard  
could have been dead in 1983.



don't know that -- if you guys are in positions in the organization where nothing is known." [sic]

[30 November 1984 conversation]

D. The video tape recordings clearly show the level to which the plaintiff in this case, Michael Flynn, was involved in Armstrong's scheme to covertly wrest control of the Church of Scientology from its lawful managers.

"GA: There's no one around aside from Michael Flynn who has an understanding of this whole fucking thing like I do and that's a fact.

M: OK. I mean, is Michael Flynn willing to help us on this?

GA: Well, what the fuck do you think? We talk every day about it. But that's not for you to report around.

M: No. OK. OK.

GA: Because I have no intention of hurting Michael Flynn.

M: Right.

GA: But, I'm telling you, he's behind it 100%. Absolutely 100%."

[30 November 1984 conversation]

"GA: OK, if there's an attorney and he has questions, legal questions, to bat around, he should call Mike [Flynn]. The only problem with him calling Mike is, Mike's not going to know who the fuck he is. Are you following me?

M: Yeah.

GA: So, I have to know who he is in order to make an introduction."

[30 November 1984 conversation]

"GA: Let me talk to the attorney. You can call me in for just goddamned information.

M: Okay.

GA: From then, I want to talk to him and I want to put him in touch with Mike Flynn because he's gotta get the legal. You know, I deal with this thing on a couple levels. There's the minutiae, which we're talking about right now. The little details.

M: Right.

GA: But then there are the big broad goddamned legal concepts, which are important for an understanding of the whole thing and the way it can resolve. There's a lot of the minutiae



which I don't know about. But, the ultimate legal concepts I grasp pretty quick.

M: OK. And Flynn could, could definitely --

GA: Flynn is, is a fucking good attorney. And he knows it. And he can help the guy.

M: Could he even -- like -- well --

GA: Provide affidavits?

M: Yeah, well you already said that.

GA: Certainly provide one on the -- on what's the situation with him."

[30 November 1984 conversation]

E. Armstrong stated that he would commit perjury to avoid revealing the full extent his criminal conspiracy.

"GA: By the way, no one will ever get any names, any communications, any times, any dates or anything out of me. That's just the way it is. I'll go to prison before I ever talk, OK? So you have to know that, because they're wanting to depose me every couple of months. I'm simply saying no. Anyone I talked to, that's -- that has nothing whatsoever to do with this lawsuit. The causes of action in my lawsuit

began in 1969 when I was enticed into the Sea Organization and it ended in 1981, or they -- actually they continue on because you guys have continued to harass me. But you --

M: Not us, hey!

GA: No. I'm telling you what I would tell them in deposition, but they don't get anything else, go ahead.

M: OK. So that -- that's fine -- we have an agreement on that point.

GA: Right. And you guys also have to have your agreements worked out between yourselves too -- like -- I don't know who knows I'm involved, but I'll deny it!"

[30 November 1984 conversation]

6. The financial "pot of gold" sought by Armstrong and Flynn was the settlement of all of Flynn's outstanding cases against L. Ron Hubbard and various Churches of Scientology. Armstrong stated in the 30 November 1984 video tape recorded conversation:

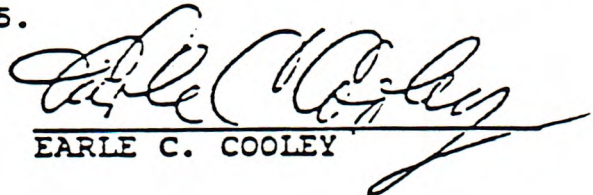
"GA: You guys are assaulted from every quarter with lawsuits and they can all be bought off, they could be bought off for, you know, five



cents on the dollar."

Attached as Exhibit A is a partial list of state and federal cases which Michael Flynn has filed as counsel of record, as of counsel, or as coordinating counsel. The total recovery in damages sought by Flynn in his attack on L. Ron Hubbard and Scientology, even in this partial list, is more than \$1 Billion. At five cents on the dollar, that comes to \$50 Million as the figure for which Michael Flynn would settle his Scientology litigation, according to his spokesman Gerald Armstrong. This, of course, would yield Michael Flynn somewhere between \$16 Million and \$25 Million, depending on the percentage contingency fee set in his agreements with his clients.

Signed under the pains and penalties of perjury,  
this 17th day of April, 1985.

  
EARLE C. COOLEY